

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SYBILLA RANDOLPH, et al.,

Plaintiffs,

v.

CENTENE MANAGEMENT
COMPANY, LLC,

Defendant.

CASE NO. C14-5730 BHS

ORDER DENYING PLAINTIFFS'
MOTION TO COMPEL AND
GRANTING IN PART AND
DENYING IN PART
DEFENDANT'S MOTION FOR
PROTECTIVE ORDER

This matter comes before the Court on Plaintiffs Sybilla Randolph ("Randolph"), Katherine Adams, Connie Malaska, Queonna Jackson, and Christine Koch's (collectively "Plaintiffs") motion to compel (Dkt. 115) and Defendant Centene Management Company, LLC's ("Centene") motion for protective order (Dkt. 116). The Court has considered the motions and the remainder of the file and hereby rules as follows:

I. PROCEDURAL HISTORY

On September 12, 2014, Randolph sued Centene, alleging Centene uniformly misclassified her and other case managers as exempt from the Fair Labor Standard Act's

1 (“FLSA”) overtime protections. Dkt. 1 ¶¶ 15–20. Randolph also alleges Centene
2 violated Washington’s wage and hour laws. *Id.* ¶¶ 47–58.

3 The Court conditionally certified a class under the FLSA on May 4, 2015. Dkt.
4 49. On October 5, 2015, the Court granted Randolph leave to amend her complaint to
5 add four named plaintiffs, as well as claims under California, Illinois, Missouri, and
6 Ohio’s wage and hour laws. Dkt. 100.

7 On November 20, 2015, Plaintiffs sent Centene a Federal Rule of Civil Procedure
8 30(b)(6) notice, which listed fifteen topics for examination. Dkt. 115-1, Declaration of
9 Rachhana Srey (“Srey Dec.”), Ex. B. Plaintiffs set the deposition for December 30, 2015.
10 *Id.* at 2. On December 16, 2015, Centene objected to Plaintiffs’ Rule 30(b)(6) notice.
11 Srey Dec., Ex. D. The parties met and conferred by telephone on December 21, 2015.
12 Srey Dec. ¶¶ 6–7. Centene stated it would not produce a Rule 30(b)(6) witness before
13 Plaintiffs’ deadline for Rule 23 class certification, which was set for January 12, 2016.
14 Srey Dec. ¶ 8; Dkt. 109. Centene also notified Plaintiffs that it intended to seek a
15 protective order. Srey Dec. ¶ 8.

16 On December 22, 2015, Plaintiffs moved to compel. Dkt. 115. On December 29,
17 2015, Centene moved for a protective order. Dkt. 116. The parties filed their respective
18 responses and replies. Dkts. 120, 122, 123, 124. Both motions concerned whether
19 Plaintiffs should be permitted to conduct the Rule 30(b)(6) deposition before filing their
20 class certification motion. *See* Dkts. 115, 116.

21 Plaintiffs subsequently moved for class certification on January 12, 2016. Dkt.
22 129. Plaintiffs’ motion is noted for February 26, 2016. *Id.* In light of Plaintiffs’ class

1 certification motion, the Court ordered the parties to show cause as to why their
2 discovery motions should not be denied as moot. Dkt. 133. On February 5, 2016, the
3 parties responded. Dkts. 134, 135. Both parties argued there are still live issues for this
4 Court to decide. Dkts. 134, 135. Based on these responses, the Court will proceed to
5 address the discovery motions.

6 II. DISCUSSION

7 The parties' motions concern the timing and the scope of Plaintiffs' Rule 30(b)(6)
8 deposition.

9 A. Legal Standard

10 The Federal Rules of Civil Procedure allow for liberal discovery. *See* Fed. R. Civ.
11 P. 26(b)(1). "Litigants may obtain discovery regarding any matter, not privileged, that is
12 relevant to the claim or defense of any party." *Survivor Media, Inc. v. Survivor Prods.*,
13 406 F.3d 625, 635 (9th Cir. 2005) (internal quotation marks omitted). "Relevant
14 information for purposes of discovery is information reasonably calculated to lead to the
15 discovery of admissible evidence." *Id.* (internal quotation marks omitted). "District
16 courts have broad discretion in determining relevancy for discovery purposes." *Id.*

17 Under Rule 26(c), the Court may "issue an order to protect a party or person from
18 annoyance, embarrassment, oppression, or undue burden or expense" Fed. R. Civ.
19 P. 26(c)(1). To obtain a protective order, the party seeking protection must show good
20 cause. *Id.* Specifically, the moving party must show that "specific prejudice or harm will
21 result if no protective order is granted." *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,
22

1 1210–11 (9th Cir. 2002). The decision to issue a protective order rests within the sound
2 discretion of the trial court. *Id.* at 1210.

3 **B. Rule 30(b)(6) Deposition**

4 Plaintiffs seek to conduct a Rule 30(b)(6) deposition. Dkt. 115. Centene, in turn,
5 argues the Rule 30(b)(6) deposition should be postponed until after the Court rules on
6 Plaintiffs’ class certification motion. Dkt. 135. Centene also argues the topics for
7 examination are overbroad, unduly burdensome, irrelevant, and vague. Dkt. 116.

8 The Court agrees with Centene that the Rule 30(b)(6) deposition should be
9 postponed until after the Court rules on class certification. Plaintiffs seek to certify
10 classes of case managers in five states. Dkt. 129. The Court’s ruling will clarify the
11 scope of the Rule 30(b)(6) deposition, particularly with regard to the number of case
12 managers and states at issue.

13 After the Court’s ruling, the parties should meet and confer to determine whether
14 they can reach an accord on the noticed topics before seeking intervention from the
15 Court. For example, one of the topics for examination is the “job duties and
16 responsibilities of [case managers].” Srey Dec. Ex. B at 3. Centene argues this topic is
17 overbroad to the extent it seeks discovery relating to “all case managers.” Dkt. 116 at 11.
18 In all likelihood, this topic would be limited to the case managers subject to litigation.
19 The Court also notes Centene should be able to identify a much smaller number of
20 corporate representatives who will need to be prepared for the deposition. *See* Dkt. 116
21 at 2 (arguing “[t]he deposition topics are so wide-ranging and broad that [Centene] would
22 need to designate dozens of witnesses and interview hundreds of individuals to

adequately prepare for the requested depositions”). Finally, the parties should consider whether senior executives Robert Sanders and Anne Richter could be designated as Rule 30(b)(6) witnesses on some or all of the topics to which they previously testified.

III. ORDER

Therefore, it is hereby **ORDERED** that Plaintiffs’ motion to compel (Dkt. 115) is **DENIED** and Centene’s motion for protective order (Dkt. 116) is **GRANTED in part** and **DENIED in part** as stated herein.

Dated this 10th day of February, 2016.



BENJAMIN H. SETTLE
United States District Judge